

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 15, 2002
(Approved February 5, 2002)

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Ronna Chappell of ILBA, Debbie Scott and John Livengood of IABR, Pam Ferguson of WSWI, Grant Monahan of IRC, John Barnett and Dale Szyndrowski of DISCUS, Phil Frame of NW&S, and Jeff McKean were present as observers.

COMMUNICATIONS FROM THE FLOOR

INDIANA RETAIL COUNCIL – Grant Monahan, president of the Indiana Retail Council, presented a formal request for public records pertaining to Alcohol and Tobacco Commission permittees. Mr. Monahan stated he did not need the records within 24 hours, but would like the information as soon as it is available. Chairperson DePrez stated the records would be made available as soon as possible.

DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the December 15, 2001 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Commissioner Marks moved to approve the PAD forms that were submitted for the January 15, 2002 meeting, pending approval by the Hearing Judge and all Commissioners. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Five hundred five (505) renewals approved, ninety-one (91) new and/or transfer permits approved, seventy (70) permits conditionally approved, seven (7) permits approved for first year escrow, and eleven (11) permits approved for second year escrow.

RR27-06591 KENNETH W. KEENE AND DL49-04077 BUY RITE, INC. – Commissioner Marks moved to approve the above two permittees for 3rd year escrow. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-05452 MARISELA R. DEGARZA – Commissioner Marks stated this permittee is requesting 4th year escrow. This permit is part of a divorce settlement, where the attorney let the paperwork sit on his desk for over a year concerning the transfer. The permit is in the process of being transferred to the husband according to the divorce settlement.

Commissioner Marks moved to approve this permit for 4th year escrow. Motion seconded by Commissioner Davis and it was unanimously approved.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-91477 NORTHWEST INVESTMENTS, INC. – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Fort Wayne. The

permittee is requesting this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR89-07036 E & J MAY, INC. – Vice Chairperson Glass noted the renewal of this permit is under appeal due to a denial. The permittee is requesting permission to file for a transfer of ownership of this permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-12296 F.J.HAB, INC. - Vice Chairperson Glass noted the renewal of this permit is under appeal due to a denial. The permittee is requesting permission to file for a transfer of ownership of this permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR02-96198 CORRINE PRATCHER – Vice Chairperson Glass noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve this renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL04-19422 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny this new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR35-02966 DICKIE, INC. – Vice Chairperson Glass noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve this transfer of ownership. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make thirty-eight (38) permits inactive. Twenty-nine (29) permits are not subject to auction and nine (9) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR45-05401 NEW ORLEANS GRILL – Hearing Judge Steiner stated he would like to recuse himself from this appeal due to some factors that have come up with this case after it was assigned to him.

Commissioner Davis moved to accept Hearing Judge Steiner's recusal. Motion seconded by Commissioner Marks and it was unanimously approved.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

CROSSROADS REHABILITATION CENTER – Crossroads Rehabilitation Center is requesting permission to hold their 2002 Wine Cornucopia to benefit Easter Seals.

JUNIOR ACHIEVEMENT CENTRAL INDIANA BUSINESS HALL OF FAME – Central Indiana Business Hall of Fame is requesting the Commission allow them to serve donated alcoholic beverages at their black-tie dinner ceremony.

HERRON SCHOOL OF ART JANUS BALL – Herron School of Art is requesting the Commission allow them to serve donated alcoholic beverages at their Janus Ball.

ST. VINCENT PHYSICIAN RECOGNITION DINNER – St. Vincent Hospital is requesting the Commission allow them to serve donated alcoholic beverages at their Recognition Dinner.

MUSCULAR DYSTROPHY ASSOCIATION ANNUAL AUCTION – The Muscular Dystrophy Association is requesting permission to accept a donation of alcoholic beverages for their 7th Annual Auction.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

There were no Policy Determinations.

UNDER ADVISEMENT

There was nothing Under Advisement.

ANNOUNCEMENTS

PUBLIC HEARING ON NEW RULES – Chairperson DePrez stated the public hearing on the proposed new rules is scheduled for January 29, 2002 at 9:00 a.m. She also stated that the Commission would accept written comments prior to January 29.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER